

REMARKS

This communication is in response to the final Office Action mailed July 15, 2009. A Request for Continued Examination is submitted herewith so that the Communication may be considered by the Examiner in the instant case.

Claims 1, 3-5, 8-23, 25-35 and 37-46 were pending in the application. Of those, claims 1, 8, 16 and 33 have been amended, claims 4, 5, and 15 have been cancelled and claims 3, 14, 16-22 remain withdrawn.

The withdrawn claim 16 has been amended to depend from claim 8, rather than the cancelled claim 15 to preserve the right to rejoinder. Claims 1 and 33 have been amended to replace the term "grafted silicone polymers having a main silicone chain" with the term "polysilicone-8." Support for such amendment can be found throughout the specification, including, for example, in paragraph [0024] on pages 5-6 of the specification and also in cancelled claims 4 and 5. Claim 8 has been amended to utilize the proper Markush language and to further define the term "hydrophobic AMPS derivatives" as "a combination of crosslinked or non-crosslinked amphiphilic polymers of 2-acrylamido-2-methylpropanesulphonic (AMPS) acid and at least one ethylenically unsaturated monomer comprising at least one hydrophobic portion containing from 6 to 30 carbon atoms." Support for such amendment can be found throughout the specification, including, for example, in paragraph [0058] on page 13 of the specification, the cancelled claim 15, and claim 12 of the provisional application no. 60/428,743, which is incorporated by reference to this application in paragraph [0001] on page 1 of the specification. Accordingly no new matter has been introduced by these amendments.

Initially, Applicants thank Examiner Fubara for courtesies extended during the telephone interview with Applicants' counsel, Kelly Hwang, on October 8, 2009. During

the interview, the Examiner and the undersigned discussed proposed amendment of the pending claims. After consideration and discussion of the proposed amendment and all of the cited references of record, the Examiner indicated that amending claims 1, 8 and 33 as amended here, that is, replacing the term "grafted silicone polymers having a main silicone chain" in claims 1 and 33 with the term "polysilicone-8", and further defining the term "hydrophobic AMPS derivatives" as "a combination of crosslinked or non-crosslinked amphiphilic polymers of 2-acrylamido-2-methylpropanesulphonic (AMPS) acid and at least one ethylenically unsaturated monomer comprising at least one hydrophobic portion containing from 6 to 30 carbon atoms" in claim 8 appear to overcome all of the cited art of record and all of the outstanding rejections including the one based on 35 U.S.C. § 112, second paragraph.

Accordingly, Applicants respectfully submit that all of the pending claims, as amended, overcome all of the rejections set forth in the outstanding Action. Given this, Applicants respectfully request allowance of each and every one of the currently pending claims.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 15, 2009

Respectfully submitted,
Electronic signature:
/Kelly Y. Hwang/
Kelly Y. Hwang
Registration No.: 51,831
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant